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May 24, 2010

The Honorable Sandra L Townes  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza  
Brooklyn, New York 111201

~~The application is~~  granted.  
~~SO ORDERED.~~  denied.

s/Sandra L. Townes  
*Sandra L. Townes*  
~~Sandra L. Townes, U.S.D.J.~~

Dated: *May 27, 2010*

Re: Thomas et al v. NYC Dep't. of Education, Brooklyn, New York  
Civil Action No. 09 cv.5167 (SLT)(RLM);

Dear Judge Townes:

I am the Counsel to the putative plaintiff class in the above action.

With the consent of Mr. Leighton, opposing counsel (provided he shall have two weeks after I serve my opposition to serve his reply), I respectfully request a further four week extension in the time to oppose the Defense Motion to Dismiss. This is the first request for an extension.

I am trying to arrange a delayed schedule to all but one of my cases for several reasons:

1. There are six Memoranda of Law, all due or past due (state cases where stipulations can be negotiated *post hoc* as long as prior to the return date) in the next week in six different cases including the matter before Your Honor. At age 71, I, as a solo practitioner, have a real problem. In addition to the Class Action before Your Honor there are the following:
2. Four are for teachers; Three of the four, all tenured, have lost their jobs and seek reinstatement and backpay due to denial of even the procedures that Mr. Leighton considers adequate for long-term state/city employees. Two had no arbitration procedures, the third was forced to go through arbitration without counsel. The fourth, though still "employed" has received no paycheck in eight months; his issues are currently before the Second Circuit .
3. The fifth case, and the one I will need to focus on until its last due day June 2, 2010, is my first petition for a writ of certiorari since I was admitted to the U.S. Supreme Court bar seven months ago. I represent almost one hundred plaintiffs who are the families and survivors of the Kaprun Ski Train fire on November 11, 2000. The issue is that the defendants have won in the Second Circuit claiming the SDNY is a *forum non conveniens* and that the appropriate forum would be Austria. However, there are many reasons why is impossible to get a fair and full hearing in Austria. What is needed are adequate standards to guide the lower courts in deciding such cases, especially when

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all the other circuits have regularly differed from this Circuit in their approach to the problem. Further, a grant of certiorari has been made in another *forum* case, which often means a second case may be selected to be considered together with the first, in order view another facet to the issue before the Court, simultaneously.

I therefore, respectfully request a further extension of time, of four additional weeks, until June 27, 2010.

I thank Your Honor's Court for its many courtesies and considerations.

Respectfully submitted



Maxwell D. Leighton. Esq.